

The bill was read second time; rules suspended, read third time and passed.

Senator Broughton called up House bill No. 240, "An act to incorporate the Grayson county Agricultural and Mechanical Association."

The bill was read second time; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Latimer, Pyle, Rawson, Randle, Ruby, Shelley, Tracy, Word and Mr. President—20.

On motion of Senator Franks, the Senate adjourned to 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,

AUSTIN, TEXAS, April 1, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

Senator Latimer presented the following communication:

AUSTIN, TEXAS, March 31, 1873.

Hon. E. B. Pickett, President of the Senate:

On the — day of March, instant, the Senate did me the honor to grant me a leave of absence for thirty days from my duties as enrolling clerk of the same, in consequence of my ill health. My health continues such as to prevent my return, and I respectfully tender to the honorable Senate my resignation of the office of enrolling clerk of the same; also, my thanks for the honor conferred upon me.

Very respectfully,

J. R. COLE.

Communication read, and on motion of Senator Cole the resignation accepted.

On motion of Senator Latimer, the Senate then proceeded to elect an enrolling clerk.

Nominations being in order, Senator Latimer nominated Mr. W. N. Ramey.

Senator Shelley nominated J. N. Long.

Senators Cole, Ball and Flanagan were appointed tellers. The ballot having been taken, the following result was announced: Ramey, 21; Long, 3.

Mr. Ramey having received a majority of all the votes cast, was declared duly elected enrolling clerk.

Senator Sayers, chairman of the Committee on Public Lands, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Public Lands, to whom was referred Senate bill No. 73, entitled "An act to create the Clay Land District, and to quiet the titles to certain lands therein," have carefully examined the same, and recommend the adoption of the accompanying substitute in lieu thereof.

J. D. SAYERS, Chairman.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred Senate bill No. 163, "An act for the relief of Wm. W. Wallace," have had the same under consideration, and report the same back to the Senate with a recommendation that it do pass.

W. H. SWIFT, Chairman.

Senator Rawson introduced a bill to be entitled "An act supplemental to and amendatory of an act to incorporate the city of Marshall, approved May 2, 1871." Read first time and referred to Committee on State Affairs.

Senator Fountain introduced a bill to be entitled "An act in relation to the Corpus Christi Ship Canal." Read first time, and referred to the Committee on Internal Improvements.

Senator Tracy introduced a bill to be entitled, "An act to incorporate the Eastern Narrow Gauge Railroad Company." Read first time and referred to the Committee on Internal Improvements.

Unfinished business, viz., Senate bill No. 66, "An act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a court house and jail, and to enable said county to build the same," together with substitute, taken up, and substitute adopted.

Senator Dillard moved to recommit the bill. Lost by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Evans, Gaines, Rawson and Mr. President—7.

Nays—Senators Baker, Broughton, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Latimer, Pyle, Randle, Ruby, Sayers, Shelley, Swift, Tracy and Word—17.

Senator Ruby moved to reconsider the vote just taken. Carried.

The bill was then ordered engrossed ; rules suspended, read third time and passed by the following vote :

Yeas—Senators Baker, Ball, Cole, Ford, Finlay, Flanagan, Fountain, Latimer, Randle, Pyle, Ruby, Sayers, Shelley, Swift, Tracy and Word—16.

Nays—Senators Avinger, Dillard, Evans, Franks, Gaines, Rawson and Mr. President—7.

On motion of Senator Gaines, the following resolution was taken up :

Resolved by the Senate and House of Representatives, That on Wednesday, the twenty ninth day of April, A. D. 1873, at 12 M., the President of the Senate and the Speaker of the House shall declare the Legislature adjourned *sine die*.

Senator Franks moved to make the resolution the special order for 12 o'clock M. on the fifteenth day of April.

Senator Dillard moved to amend the motion offered by Senator Franks, by striking out the words "fifteenth day," and inserting "tenth day." Amendment accepted.

Senator Franks moved to refer the resolution to a select committee of conference, which was lost by the following vote :

Yeas—Senators Ball, Dillard, Finlay, Franks, King, Sayers, Shelley, Swift, Word and Mr. President—10.

Nays—Senators Avinger, Baker, Broughton, Cole, Evans, Ford, Flanagan, Fountain, Gaines, Latimer, Pyle, Rawson, Randle, Ruby and Tracy—15.

The question recurring upon the adoption of the motion to postpone, the same was put and lost by the following vote :

Yeas—Senators Ball, Dillard, Ford, Swift, Word and Mr. President—6.

Nays—Senators Avinger, Baker, Broughton, Cole, Evans, Finlay, Flanagan, Fountain, Franks, Gaines, King, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, and Tracy—19.

The resolution was then adopted by the following vote:

Yeas—Senators Avinger, Baker, Broughton, Cole,

Evans, Flanagan, Fountain, Franks, Gaines, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Swift, Tracy and Mr. President—18.

Nays—Senators Ball, Dillard, Ford, Finlay, King, Shelley and Word—7.

House bill No. 281, "An act providing for a special tax in Wise county."

On motion of Senator Broughton the bill was indefinitely postponed.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 31, 1873. }

Hon. E. B. Pickett, President of the Senate of the State of Texas:

SIR: Enclosed please find the reply of his Excellency U. S. Grant, to my communication of the twelfth instant, transmitting a copy of the resolution passed by the Senate extending him an invitation to visit the capital of Texas. Very respectfully,

EDMUND J. DAVIS, Governor.

EXECUTIVE MANSION, }
WASHINGTON, D. C., March 21, 1873. }

GOVERNOR: I have the honor to acknowledge the receipt of your letter of the twelfth instant, transmitting a copy of the resolution passed by the Senate of the State of Texas, extending to me an invitation to visit the capital city of Texas in case I should visit the Southern States during the next few months.

In reply, I must request you to convey to the members of the Senate my sincere appreciation of their kind action and my regrets that I shall not at this time be able to avail myself of it.

It would afford me great pleasure to visit Austin and meet with its citizens, but the visit to the Southern States which I contemplated making after the adjournment of the late session of Congress, I have been compelled to indefinitely postpone on account of my public duties, which at this time will not permit my absence from the capital.

I am, Governor, your obedient servant,

(Signed)

U. S. GRANT.

To His Excellency EDMUND J. DAVIS, Governor of Texas.

A true copy.

JNO. J. STEVENS, Private Secretary.

Senator Shelley in the chair.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 304, "An act to validate bounty land warrants issued to John B. Fox."

House bill No. 543, "An act for the relief of the heirs of the Rev. Martin Ruter, deceased."

House bill No. 284, "An act for the relief of L. W. Ludlow."

House bill No. 421, "An act for the relief of the heirs of James N. Shell, deceased."

House bill No. 449, "An act to prescribe the number of clerks to be employed in the office of the Adjutant General, and fixing the compensation of the same."

House bill No. 260, "An act concerning the admission of attorneys and counsellors at law to practice in the Supreme Court."

House bill No. 48, "An act regulating juries."

Also, House joint resolution making an appropriation for certain purposes.

The hour having arrived, the special order was taken up, viz., "An act to regulate the conduct of public officers."

Senator Fountain moved to strike out section four of the bill. Adopted.

The bill as amended passed to a third reading.

House bill No. 92, "An act to amend an act amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved May 8, 1871," was taken up, one hundred copies ordered printed, and made special order for Monday next at 11 o'clock A. M.

House bill No. 237, "An act to authorize the Governor to appoint a registrar and board of appeal and revision in certain unorganized counties therein named," was taken up, read second time; rules suspended, read third time and recommitted to Judiciary Committee No. 2.

House bill No. 188, "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas, approved August 12, 1870," together with report of committee recommending two substitutes, was taken up.

The first substitute was adopted and ordered engrossed; rules suspended, read third time and passed.

Second substitute adopted and ordered engrossed ; rules suspended, read third time and passed.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report :

Hon. E. B. Pickett, President of the Senate :

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills, viz. :

Senate bill No. 123, "An act to authorize the County Court of Erath county to issue interest-bearing bonds, and to levy a special tax to pay off said bonds and all interest that may accrue thereon."

Senate bill No. 205, "An act to authorize the County Court of Montague county to levy a special tax for the purpose of building a court house and jail, and to provide for the safe keeping and disbursement of the revenue arising therefrom."

Senate bill No. 155, "An act for the protection of the wool-growing interest of the State."

Senate bill No. 146, "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas, approved August 26, 1856."

Senate bill No. 154, "An act to regulate the stoppage of passenger cars at railroad stations."

HENRY C. KING, Chairman.

On motion of Senator King, the rules were suspended to take up out of its order Senate bill No. 155, "An act for the protection of the wool-growing interest of the State."

The bill was read third time and passed.

House bill No. 102, "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856," together with the report of the committee, recommending that the bill do not pass, taken up.

The Senate refused to adopt the report of the committee.

The bill was then made special order for Saturday next, at 11 o'clock A. M.

Senator Latimer, chairman of Committee on Enrolled Bills, submitted the following report :

Hon. E. B. Pickett, President of the Senate :

SIR: I have the honor to report that I did this day, at 11 o'clock A. M., present to his Excellency the Gov-

ernor, for his approval and signature, Senate bill No. 18, "An act to incorporate the city of Austin."

H. R. LATIMER, Chairman.

House bill No. 58, "An act to incorporate the Odd Fellows' Male and Female College, at Pittsburg, in Upshur county," was taken up, read second time and passed to third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tendick, Tracy and Word—25.

House bill No. 275, "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows Hall and Building Association of Bryan, Texas, approved December 1, 1871," was taken up and read second time and passed to third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dillard, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Tendick and Word—21.

House bill No. 253, "An act to prohibit the sale of intoxicating liquors within two miles of Hackberry Grove Academy, in Collin county," was taken up, read second time and passed to third reading; rules suspended, read third time and passed.

House bill No. 52, "An act to prohibit the sale of intoxicating liquors within two miles of Pleasant Grove Academy, in Hunt county," was taken up, read second time and passed to third reading; rules suspended, read third time and passed.

House bill No. 161, "An act to abolish the offices of supervisors and inspectors of the public schools," was taken up and recommitted to the Committee on Education.

A message was received from the House informing the Senate that the House had passed Senate bill No. 96, "An act to amend an act entitled an act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870."

House bill No. 14, "An act to repeal section five of an act to organize and maintain a system of public free

schools in the State of Texas, approved April 24, 1871," was taken up, and on motion of Senator Franks recommitted to the Committee on Education.

House bill No. 162, "An act to authorize the County Court of Comal county to levy a special tax," was taken up, read second time and passed to third reading; rules suspended, read third time and passed.

A message was received from the House informing the Senate that the House had refused to concur in the amendments of the Senate to House bill No. 185, "An act defining the duties of the Comptroller."

On motion of Senator Sayers Senator Cole was granted leave of absence for fifteen days from to-morrow.

Senate bill No. 201, "An act to amend section three of an act entitled an act supplementary to an act to provide for the payment of the public debt of the State of Texas, together with the report of the Committee on Finance recommending amendments, was taken up, and bill read second time. Amendments adopted and the bill ordered engrossed; rules suspended, bill read third time and passed.

Senate joint resolution No. 24, authorizing the Governor to adjust the matter of the hypothecation of certain bonds with Williams & Guion, in the city of New York, was taken up.

Senator Gaines moved to indefinitely postpone the resolution. Lost.

The resolution was then read second time and referred to the Committee on Finance.

Senate bill No. 200, "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870," was taken up.

Senator Ruby offered an amendment to section four, which was adopted, and the bill ordered engrossed; rules suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Latimer, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tendick, Tracy and Word—24.

The following bills were taken from the President's desk, read first time and referred to committees indicated:

House bill No. 114, "An act to amend the first section of an act entitled an act to provide for the creating of two

counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization, passed September 18, 1871." Referred to Committee on Counties and County Boundaries.

House bill No. 364, "An act to validate the quadruple certificate for one league and labor of land issued April 4, 1872, to the heirs of Naham Mixon, deceased. Referred to the Committee on Private Land Claims.

House bill No. 344, "An act validating a certain land warrant." Referred to the Committee on Private Land Claims.

House bill No. 178, "An act to authorize the County Court of Navarro county to levy and cause to be collected a special tax, and to apply the same." Referred to the Committee on Finance.

House bill No. 262, "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871." Referred to Committee on State Affairs.

House bill No. 27, "An act in relation to fences in certain counties," together with the report of the committee recommending amendments, taken up, and the amendments adopted.

The hour having arrived for the consideration of special business, on motion of Senator Gaines the same was postponed until the pending business was disposed of.

Senator Gaines then moved to postpone the pending bill until next Friday at 11 A. M. Carried.

Unfinished special business, viz., House bill No. 314, "An act to enlarge Medina county," was then taken up.

The question being upon the final passage of the bill, the yeas and nays were called and the bill passed by the following vote:

Yeas—Senators Avinger, Baker, Broughton, Evans, Ford, Finlay, Fountain, Franks, Gaines, Latimer, Pyle, Rawson, Randle, Ruby, Shelley and Swift—16.

Nays—Senators Cole, Flanagan, King, Sayers, Tracy and Word—6.

Senator Cole called up House bill No. 210, "An act to incorporate Whitesboro, in Grayson county." Read second time and referred to Judiciary Committee No. 2.

Senator Dillard called up Senate bill No. 187, "An act for the relief of R. B. Reagan," with report from Judiciary Committee No. 1, recommending amendments. The

amendments were adopted, bill read second time and ordered engrossed by the following vote:

Yeas—Senators Avinger, Baker, Broughton, Cole, Dillard, Evans, Ford, Finlay, Fountain, Franks, Gaines, King, Latimer, Ruby, Sayers, Shelley, Word and Mr. President—18.

Nays—Senators Flanagan, Pyle and Rawson—3.

The rule was suspended, bill read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Broughton, Cole, Dillard, Evans, Ford, Finlay, Fountain, Gaines, King, Latimer, Ruby, Sayers, Shelley, Word and Mr. President—17.

Nays—Senators Flanagan, Franks, Pyle and Rawson—4.

Senator Word moved to adjourn until 10 o'clock to-morrow. Lost by the following vote:

Yeas—Senators Baker, Cole, Evans, Franks, Gaines, Latimer, Pyle, Rawson and Ruby—9.

Nays—Senators Avinger, Broughton, Dillard, Ford, Flanagan, Fountain, King, Sayers, Shelley, Word and Mr. President—11.

Senator Broughton moved to adjourn till 9:30 o'clock to-morrow.

Senator Baker moved a call of the Senate. Call ordered.

Senator Ruby made a point of order, viz., that a call of the Senate could not be ordered on a motion to adjourn.

Point sustained, and the Senate adjourned by the following vote till 9:30 o'clock to-morrow:

Yeas—Senators Avinger, Broughton, Cole, Dillard, Evans, Finlay, Flanagan, King, Pyle, Rawson, Sayers and Mr. President—12.

Nays—Baker, Ford, Fountain, Gaines, Latimer, Ruby, Shelley and Word—8.

SENATE CHAMBER,
AUSTIN, TEXAS, April 2, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.